

Defendant-Intervenors Southern Utah Wilderness Alliance, *et al.*, respectfully move this Court to schedule a status conference at which the Court and parties can schedule merits briefing, and any other necessary proceedings, in this case pursuant to Fed. R. Civ. P. 16 and DUCivR 16-1(a). The Court has denied the Federal Defendants' and Defendant-Intervenors' motions to dismiss on jurisdictional and other grounds, and the Federal Defendants filed the administrative record ten months ago. This case is ready for merits briefing.

A briefing schedule, in fact, is long overdue. This case has been pending for over seven years. See ECF No. 1 (complaint filed Oct. 1, 2010).¹ The Federal Defendants lodged the administrative record nearly three years ago, in March 2015 (ECF No. 227 (Mar. 19, 2015 notice of lodging of administrative record)), and filed an administrative record supplement on March 7 of last year. (ECF No. 295.) In the past ten months, however, Plaintiffs have done nothing to advance their case. Comparable delays have led this Court to consider dismissal for failure to prosecute. See, e.g., Wood v. Icon Health Fitness, Inc., No. 1:04-CV-43, 2007 WL 1557417, * 1 (D. Utah May 25, 2007) (order to show cause why the case should not be dismissed for failure to prosecute issued 26 months after complaint filed); Smith v. Utah, 1:05-CV-27 TS, 2008 WL 1808704 (D. Utah April 21, 2008) (order to show cause issued 12 months after complaint filed).

It is in the interests of the parties and would promote judicial efficiency to move this case forward to prompt resolution. Therefore, Defendant-Intervenors request that this Court schedule a conference so that it can, after hearing from the parties, set a reasonable and prompt briefing schedule.

¹ All ECF citations refer to the lead case, No. 2:10-cv-00970-DB-BCW.

Counsel for Defendant-Intervenors have conferred with counsel for Plaintiffs and Federal Defendants, who have not agreed to a proposed briefing schedule or to an approach to setting such a schedule.

Respectfully submitted this 4th day of January, 2018.

/s/ Heidi J. McIntosh
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Society, and Sierra Club.*

CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2018, I electronically filed the foregoing **DEFENDANT-INTERVENORS' MOTION FOR A STATUS CONFERENCE TO SET A BRIEFING SCHEDULE** with the Clerk of the Court using the CM/ECF system which will send notification of this filing to all counsel of record.

/s/ Heidi McIntosh